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UBER TECHNOLOGIES, INC.
18 and OTTOMOTTO LLC

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 SAN FRANCISCO DIVISION

22 WAYMO LLC,
23 Plaintiff,
24 v.
25 UBER TECHNOLOGIES, INC.,
26 OTTOMOTTO LLC; OTTO TRUCKING LLC,
27 Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS' ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
PORTIONS OF THEIR REPLY IN
SUPPORT OF MOTION FOR
SUMMARY JUDGMENT AND
EXHIBITS THERETO**

Pursuant to Civil Local Rules 7-11 and 79-5, Defendants submit this motion for an order to file under seal portions of their Reply in Support of Motion for Summary Judgment and Exhibits Thereto. Specifically, Defendants request an order granting leave to file under seal the confidential portions of the following documents:

Document	Portions to Be Filed Under Seal	Designating Party
Reply in Support of Motion for Summary Judgment (“Reply”)	Highlighted Portions	Plaintiff (Green) Otto Trucking (Blue) Velodyne (Yellow)
Exhibits 1-2 to Declaration of Shane Brun	Highlighted Portions	Otto Trucking (Blue)
Exhibit 3 to the Declaration of Shane Brun	Entirety	Otto Trucking

The blue-highlighted portions of the Reply, the blue-highlighted portions of Exhibits 1-2 to the Declaration of Shane Brun, and the entirety of Exhibit 3 to the Declaration of Shane Brun contain highly confidential information regarding the details of a business agreement. This highly confidential information is not publicly known, and its confidentiality is strictly maintained. Disclosure of this information could allow competitors to obtain a competitive advantage over Defendants by giving them details into how defendants negotiate their business agreements, such that Defendants’ competitive standing could be significantly harmed. (Yang Decl. ¶ 3.)

The green-highlighted portions of the Reply contain information that has been designated “Highly Confidential – Attorneys’ Eyes Only” by Waymo in accordance with the Patent Local Rule 2-2 Interim Model Protective Order (“Protective Order”), which the parties have agreed governs this case (Transcript of 3/16/2017 Hearing, page 6). Defendants file this material under seal in accordance with Paragraph 14.4 of the Protective Order. (Yang Decl. ¶ 4.)

The yellow-highlighted portions of the Reply contain highly confidential information of third-party Velodyne. Defendants request the Court keep this third-party’s technical information secret to protect their competitive standing. (Yang Decl. ¶ 5.)

1 Pursuant to Civil Local Rule 79-5(d)(2), Defendants will lodge with the Clerk the
2 documents at issue, with accompanying chamber copies.

3 Defendants served Waymo with this Administrative Motion to File Documents Under
4 Seal on September 18, 2017.

5 For the foregoing reasons, Defendants request that the Court enter the accompanying
6 Proposed Order granting Defendants' Administrative Motion to File Documents Under Seal and
7 designate the service copies of these documents as "HIGHLY CONFIDENTIAL –
8 ATTORNEYS' EYES ONLY."

9
10 Dated: September 18, 2017

MORRISON & FOERSTER LLP

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12 By: /s/ Michael A. Jacobs
MICHAEL A. JACOBS

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15 OTTOMOTTO LLC
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